THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THEHON'BLE SRI JUSTICE M.VENKATESWARA REDDY

Writ petition No. 6494 OF 2006

Dated: 03.04.2006

Between:

M.Bala Prakash S/o M.Macdonald,
Assistant District Registrar,
O/o Deputy Inspector General of Registration and Stamps,
Powerpet, Eluru, West Godavari District.

.. **PETITIONER**

And:

The Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad and another.

... RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THEHON'BLE SRI JUSTICE M.VENKATESWARA REDDY

Writ petition NO. 6494 of 2006

ORDER: (per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.1985 of 2005, dated 14.03.2006, of the Andhra Pradesh Administrative Tribunal, by which the Tribunal declined to quash a charge memo, the unsuccessful applicant filed this writ petition.

The Tribunal declined to interfere with the order under challenge on the ground that the petitioner was involved in an ACB Trap case on an allegation regarding the integrity of the petitioner. The specific complaint of the petitioner is that in preparing statement of imputations,

the disciplinary authority made certain observations, which would establish that the disciplinary authority had already predetermined the issue regarding the guilt of the petitioner and therefore, enquiry would be an empty formality. The Tribunal observed "unless the disciplinary authority has the reason to believe that the material is substantiate to articles of charge, again it would not have reason to proceed with the enquiry". We presume what the Tribunal meant was that unless there is some basic material and consequential opinion formed by the disciplinary authority that the matter requires regular departmental enquiry, there cannot be any disciplinary enquiry and the various alleged objectionable statements in the statement of imputations are only inelegant expression of opinion of the existence of a *prima facie* case. We agree with the conclusion reached by the Tribunal and do not see any reason to interfere with the enquiry against the petitioner.

The writ petition is devoid of merits, and is accordingly dismissed at the stage of admission. No costs.

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(J.CHELAMESWAR, J)

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(M.VENKATESWARA REDDY, J)

3rd April, 2006.

Note: Furnish C.C. in one week.

(B/o)

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